

REMARKS

I. Status of the Claims

Applicant respectfully submits this Reply in response to the Office Action mailed on October 22, 2010 (the "Office Action"). By this Reply, Applicant has amended claim 1; canceled claims 10 and 11, without prejudice or disclaimer; and added new claim 40. Claims 1-5, 8, 9, and 12-40 are now pending in this application, with claim 1 being independent. No new matter has been added by this Reply.

In the Office Action, claim 10 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; the drawings were objected to under 37 C.F.R. § 183(a) as allegedly failing to show every feature of the invention claimed; claims 1-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,364,385 to Harms et al. ("Harms") in view of U.S. Patent No. 4,396,382 to Goldhaber ("Goldhaber") and U.S. Patent No. 4,731,072 to Aid ("Aid"); and claims 1-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over GB 2080116A to Matthews ("Matthews") in view of Goldhaber and Aid.

Applicant respectfully traverses the above rejections for at least the following reasons.

II. Rejection Under Section 112, First Paragraph and Drawing Objections

The Office Action rejected claim 10 as allegedly failing to comply with the written description requirement and objected to the drawings as failing to show the features of claim 10. See Office Action at 2-3. Without necessarily acquiescing to the Office

Action's contentions and characterizations, Applicant has canceled claim 10, thereby rendering the Section 112, first paragraph, rejection and drawing objections moot.

III. Independent Claim 1

Amended independent claim 1 recites, among other things, a fluid bag comprising "one or more compartments defined by a plurality of edges," "a first main sheet and a second main sheet configured opposite to said first main sheet," and "wherein each of a plurality of distance limiting members limits the distance between said first and second main sheets by extending to [a] first and second boundaries of the first and second main sheets, respectively, wherein adjacent distance limiting members each meets the same edge of the one or more compartments."

In rejecting independent claim 1, the Office Action relied on certain teachings of Harms, Goldhaber, and Matthews but conceded that Harms, Goldhaber, and Matthews fail to illustrate "distance limiting members extend[ing] to the boundaries of the sheets." See id. at 4-5 and 8-9. To cure the shortcomings of Harms, Goldhaber, and Matthews, the Office Action then relied on Aid, characterizing lines of attachment 135, 144, and 150 as allegedly corresponding to the claimed distance limiting members. See id. Even assuming the Office Action's characterizations are accurate, which Applicant does not concede, Aid does not remedy the deficiencies of Harms, Goldhaber, and Matthews. Aid, like Harms, Goldhaber, and Matthews, fails to disclose, teach, or otherwise suggest that "adjacent distance limiting members each meet a common edge of the one or more compartments," as recited in amended independent claim 1.

As disclosed in Fig. 2 of Aid, a container means 100 includes sheets 102 and 104 heat sealed along lines of attachment 124, 125. See Aid at 7:38-40; Fig. 2.

Container means 100 further includes a plurality of lines or bands of attachment 135-144 which define a plurality of flow through channels 155-164. See id. at 8:41-46. Adjacent lines of attachment 135-144 may alternate in being attached along top heat seal line 117 and bottom heat seal line 118, such that “liquid must flow to the end of one liquid flow channel before entering the next adjacent liquid flow channel . . . [, and] the liquid flows primarily downwardly in one channel and upwardly in the next adjacent channel.” Id. at 9:25-39. Accordingly, Aid fails to disclose or suggest that adjacent lines of attachment 135-144 members “each meet a common edge of the one or more compartments,” as recited in amended independent claim 1.

For at least these reasons, amended independent claim 1 patentably distinguishes over Harms, Goldhaber, Matthews, and Aid.

IV. The Dependent Claims

Claims 2-5 and 8, 9, and 11-40 depend from independent claim 1 and are patentable at least due to their dependency. In addition, the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore, also are separately patentable based on these recitations.

V. Conclusion

In view of the foregoing amendment and remarks, Applicant respectfully requests reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Reply and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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